

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OK TO ENTER  
5/26/06  
ST

Applicant(s):	Patrick C. St. Germain	)	RECEIVED CENTRAL FAX CENTER  MAY 23 2006
Application No.	10/682,444	)	
Filed:	October 9, 2003	) Group Art Unit: 3721	
For:	APPARATUS FOR MAKING INTERFOLDED PRODUCT	)	
Examiner:	Sameh H. Tawfik	) Attorney Docket No. <u>SSS-106</u>	

RESPONSE UNDER RULE 116

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

This communication is submitted in response to the Office Action dated 23 February 2006 on the above-identified application. Reconsideration of this application is requested.

Applicant further requests that the Final Rejection made in the aforementioned Office Action be withdrawn. By the Examiner's own admission, the present rejection is a new ground of rejection based primarily on the newly cited U.S. Patent No. 5,088,707 to Stemmler. It is respectfully submitted, however, that applicant's amendments to the claims did not materially affect the scope of the presented claims, and thus did not necessitate the new ground of rejection. The outstanding rejection now relies on the newly cited reference as the principal reference and is based on a different statutory provision. Moreover, applicant traverses the officially noticed fact in rejecting claim 12. The officially noticed fact was so noticed for the first time in the Office Action dated 23 February 2006 placing all claims under a Final Rejection. Withdrawal of the Final Rejection is deemed warranted in this case.

In any event, the rejection of all claims under 35 U.S.C. 103(a) as unpatentable over Stemmler in view of Hermach is not warranted, and is hereby traversed.

As admitted by the Examiner, Stemmler does not describe interfolding of sheets that include at least one longitudinally extending fold line and at least one fold,